



DENISE MERRILL

SECRETARY OF THE STATE
CONNECTICUT

**Government Administration and Elections
Committee Public Hearing
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Testimony**

- Good Morning once again to the GAE Committee – Chairman Morin, Chairman Slossberg, and members.
- For the record, my name is Denise Merrill and I am Secretary of the State of Connecticut.
- There are many bills on your agenda today, and many bills that affect the conduct and administration of elections in our state.
- In the interest of time, I would like to go through the bills that are most relevant to the Secretary of the State's office.
- **HB 6163 "AN ACT CONCERNING AN AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE"**

- Passage of this bill would make Connecticut the next state to adopt an interstate compact providing for the election of the president by a national popular vote.
- I support the concept of moving away from the current electoral college system of electing our president..
- Four times in our history the person elected president did not receive the most votes. This resulted in constitutional crises and long-term effects on policy, including the abandonment of Reconstruction after the 1876 election. .
- This plan is consistent with the Constitution, which provides for both interstate compacts and the right of each state to decide how to select and allocate presidential electors.
- I actually think that this compact will lead to Connecticut having a more relevant role in our presidential elections – particularly in the general election.
- In the 2008 Presidential cycle, we had visits from major presidential candidates before the primary in February.
- But when was the last time anyone can remember a Democratic or Republican nominee visiting Connecticut in the general election campaign in the fall after the conventions?
- Electing our president by popular vote would mean candidates and parties would focus on turning out voters – particularly in densely populated areas like the Northeast.
- So I support this compact as a sensible way to improve our presidential elections.

- Another item on your agenda today, Senate Joint Resolution number 16, also addresses the Electoral College.
- I would not support that resolution because I believe HB 6163 addresses that issue.
- **SB 392 “AN ACT CONCERNING ELECTION NOTICES PLACED JOINTLY BY TOWNS”**
- This would allow towns to share the cost of public notices for a state-wide primary or general election while not reducing the effectiveness of the notice.
- I support this bill; it is a good idea and it should result in some cost savings for towns.
- The main purpose to providing notice of these elections is to make sure the voters know when they are so people can participate.
- This bill allows that notice to take place without each town having to shoulder the cost of each public notice individually.
- This is a good regionalization concept that will save money for taxpayers.
- **SB 753 “AN ACT CONCERNING ON-LINE VOTING FOR MILITARY PERSONNEL STATIONED OUT OF STATE”**
- This bill would make on-line voting available for military personnel stationed out of state.

- In general, I strongly support the concept of making voting easier, especially for our military personnel stationed overseas.
- In the future, it is conceivable that we could move in the direction of online voting.
- But the problem is, the technology to make sure no one can hack into an online voting system and distort the vote totals has not yet been developed.
- We want to make voting more convenient, but not at the expense of the security or integrity of our elections.
- In fact, the U.S. Department of Defense set up a secure online voting system to see if hackers could infiltrate it and commit voter fraud.
- The test system failed on more than one occasion.
- So, unfortunately, I cannot support this bill at this time, because there is no online voting system secure enough to protect the integrity of the vote.
- I am willing to revisit this if technology is developed that prevents hacking and fraud.
- **SB 804 “AN ACT CONCERNING RECURRING POST-ELECTION AUDITS”/HB 5727 “AN ACT CONCERNING POST-ELECTION AUDIT PROCEDURES”**

- SB 804 would require a town to receive a ten year exemption from random post-election audit selection after a town successfully completes an audit they were selected for.
- HB 5727 is a similar concept, but would provide a 4-year exemption.
- HB 5727 would also provide that any fines imposed upon the registrars for failure to comply with the audit procedures would be paid for by the municipality.
- Currently any fines imposed are the personal obligation of the registrars.
- State law requires the Secretary of the State's office to randomly select 10% of the voting precincts to audit the machine counts.
- Some towns feel like they are selected too often, and I can sympathize with that.
- There are actually a number of ways we are looking at technological advances that can improve our post-election audits and make it less of a burden on towns and less costly.
- However, exempting a town from a post election audit for 10 years or four years after they complete an audit is not feasible and opens our state to the possibility of undetected errors or irregularities.
- The integrity of our post-election audit process rests on the random selection of the precincts.

- The larger the sample size of the machine totals, the more reliable the post-election audit analysis will be.
- If a town does not have to audit its results for a certain number of years after it is chosen, it could become a haven for the manipulation of results or inaccuracies if there is no possibility that the machine totals will be checked.
- If you exempt a town for ten years after completion of an audit you lose the preventative deterrent effect of the random selection process.
- In addition, if you remove the personal liability for fines associated with failure to comply with the audit procedures, you again lose the deterrent effect of the fines.
- So for these reasons I do not support either of these bills
- **HB 5454 “AN ACT CONCERNING THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT”**
- This bill would require the State of Connecticut to adopt the Uniform Military and Overseas Voters Act.
- In Connecticut, we have fully implemented the federal MOVE Act that made substantial improvements to voting for overseas military voters.
- That bill required, for example, the electronic transfer of absentee ballots to military personnel wherever they are, cutting the processing time for these ballots by nearly a month.

- We are in full compliance with the federal Move Act in Connecticut.
- We also have the 90-day absentee ballot, which gives overseas military personnel ample time to receive and complete their absentee ballots before an election.
- Because we have the 90-day absentee ballot, we are exempt from the requirement to provide military voters with the federal write-in absentee ballot, but we even provide that anyway.
- My main objection to this legislation is with the provision that allows ballots to be mailed up to the date of the election and then for an indeterminate amount of waiting time for the ballot to be received.
- Currently, the deadline for all ballots is the day of the election.
- There are other administrative issues as well that may be in direct conflict with various local charters dealing with referenda.
- For those reasons, I do not support this bill.
- **HB 5750 “AN ACT MAKING ELECTION DAY A LEGAL HOLIDAY”**
- This bill would make Election Day a legal state holiday and require private employers to provide their employees paid time off to vote.

- There are some states that do this and in general I commend Representative Luxenberg for putting it forward.
- This is a good idea, and it may increase turnout.
- In Puerto Rico, Election Day is a national holiday and voter turnout is very high.
- But that is also connected to the fact that all elective offices are on the ballot at one time – they don't have staggered elections like we do.
- My concern with this bill, however, is that costs would go up if we mandate that all businesses grant employees paid time off to vote.
- If it is a state holiday, requiring the Secretary of the State's office to work on a holiday would more than double staffing costs.
- It may have similar impact for Registrar of Voters' offices as well.
- What I would say in general is that this an interesting concept and it has some merit, but it needs to be seriously studied further before I would be willing to support this bill.
- **HJR 33 "RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PROVIDE FOR EARLY VOTING"**
- This joint resolution would amend the constitution of the State of Connecticut to allow for early voting by absentee

ballot.

- I have actually proposed a concept similar to this that is contained in HJR 88
- That resolution would amend our state Constitution to remove restrictions on absentee ballot voting and allow the General Assembly to enact early voting in the way it sees fit.
- I would ask the committee to support HJR 88 instead of HJR 33, because our constitutional amendment proposal gives maximum flexibility to the General Assembly to study the issue and craft the best early voting legislation for our state.
- This is a legislative matter that should be governed by statute, not in the Constitution.
- But in general it is past time to make voting easier and more convenient.
- **HB 6532 “AN ACT CONCERNING THE PRESIDENTIAL PREFERENCE PRIMARY”**
- This bill would move the date for the Presidential Preference Primary back to March from February.
- I strongly support this concept, and we are actively working with both major political parties to set a new date for the Presidential primary that will more closely comport with national party guidelines.
- New Republican and Democratic party rules have been adopted to prevent the front-loading of our presidential primaries.

- Those give a combination of incentives and penalties to states to encourage later primaries.
- Any change in the date of our presidential primary will require the enactment of state legislation.
- So while this is a work in progress, I support the passage of this bill while the details are worked out.
- That concludes my testimony about bills directly related to the Secretary of the State's office.
- There is one more bill related to candidates running for office that I wanted to mention:
- **HB 5723 "AN ACT CONCERNING PAYMENT OF CAMPAIGN AUDIT EXPENSES"**
- This bill would provide financial resources for a candidate for state office who participates in the Citizen's Election Program to pay the cost of responding to an audit of their campaign finances.
- I would like to express my support for this bill – it is a practical fix to a problem noted by many of the volunteer campaign staff for candidates for state office.
- This bill makes a lot of sense and I am happy to support it.
- Thank you very much and I would be happy to answer any questions.